

U.S. BANKRUPTCY COURT  
District of South Carolina

CASE NO.: 15-02686jw

SETTLEMENT ORDER

The order set forth on the following pages, for a total of 4 pages including this page, is hereby ORDERED.

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**FILED BY THE COURT**  
**06/15/2016**



US Bankruptcy Judge  
District of South Carolina

Entered: 06/15/2016

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

IN RE:	)	
	)	CASE NO.: 15-02686jw
Rodney Ellington	)	Chapter 13
LaShawn Ellise Ellington	)	SETTLEMENT ORDER ON
	)	MOTION FOR RELIEF FROM
Debtors,	)	AUTOMATIC STAY
_____	)	

This matter comes before the Court on the motion for relief from the automatic stay filed by CitiFinancial Servicing LLC (“Movant”). The Chapter 13 Trustee did not object to the motion or has agreed to the settlement. The property or security which is the subject of the motion is described as follows:

1021 Red Hill Road, Huger, SC 29450

Upon the agreement of the parties, it is hereby ORDERED:

According to the certification of facts, the value/equity in the subject property above the movant’s lien is \$1,234.94

As of June 7, 2016, debtors have accrued a post-petition arrearage in the amount of \$5,343.24. The post-petition arrearage consists of:

- X Payments for the months of December 15, 2015 partial payment in the amount of \$889.39 and January 15, 2016 – May 15, 2016 in the amount of \$890.77 each.
- \_\_\_ Late charges in the amount of \$0.00.
- \_\_\_ Attorney’s fees and costs in the amount of \$0.00.
- \_\_\_ Other costs (specify below)

Debtors shall continue to remit to Movant the regular post-petition monthly payments beginning June 15, 2016, and continuing thereafter in accordance with the terms of the loan agreement and the Chapter 13 plan.

In addition to the regular post-petition monthly payments set forth above, Debtors shall cure the post-petition arrearage of \$5,343.24 as follows:

- \_\_\_ Pay initial payment of \$

X Pay \$445.27 per month beginning June 15, 2016 for 11 months.

X Pay final payment of \$445.27 by May 1, 2017.

Failure to make a payment within 20 days from its due date shall be considered a default under the terms of this settlement order.

Payment shall be paid directly to Movant at:

CitiFinancial Servicing LLC  
Post Office Box 70918  
Charlotte, NC 28272

In the event of a default under the terms of this Order, relief from stay may be provided without further hearing upon the filing of an affidavit of default by Movant and the entry of the proposed order by the Court. Movant may then proceed with its state court remedies against the property, including sending any required notice to Debtor(s). **This *ex parte* relief provision of this Order shall expire and no longer be effective 12 months from the expiration of the cure period set forth above.**

Movant agrees to waive any claim arising under 11 U.S.C. § 503(b) or § 507(b) as a result of this Order. In the event relief from the automatic stay is granted due to Debtors' default under the terms of this Settlement Order, Movant agrees that any funds received as a result of a lawful disposition of the security in excess of all liens, costs, and expenses will be paid to the Trustee.

The parties agree that the Fed. R. Bankr. P. 4001(a)(3) stay:

X is applicable to any order granting relief for default on this Settlement Order.

— is not applicable to any order granting relief for default on this Settlement Order.

**AND IT IS SO ORDERED.**

**WE SO MOVE AND CONSENT:**

/s/Louise M. Johnson

Attorney for Movant  
District Court I.D. 7509

/s/Russell A. DeMott

Attorney for Debtors  
District Court I.D. 10200

**CERTIFICATION:**

Prior to consenting to this settlement order, the payment obligations set forth in this Order, including the amounts, method, and timing of payments, and consequences of default were reviewed with the agreed to by the Debtors or the party obligated to pay.

/s/Russell A. Demott

Attorney for Debtors  
District Court I.D. 10200